

EXHIBIT D

FILED UNDER SEAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -
KATHY DREW-KING, REGIONAL DIRECTOR OF
REGION 29 OF THE NATIONAL LABOR
RELATIONS BOARD for and on behalf of THE
NATIONAL LABOR RELATIONS BOARD,

Petitioner,

No. 1:22-cv-01479

-v-

AMAZON.COM SERVICES LLC,

Respondent.

- - - - -
101 Park Avenue
New York, New York 10178

May 25, 2022
10:17 A.M.

VIDEOGRAPHED DEPOSITION of CHRISTIAN
SMALLS, taken by THE RESPONDENT, in the
above-entitled action, held at the above
time and place, taken before CYNTHIA C.
LANANNA, a Shorthand Reporter and Notary
Public within and for the State of
New York.

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1 At this time, we would ask
 2 all Counsel to please enter their
 3 appearance, providing their name,
 4 firm they're with, and the
 5 parties they represent for the
 6 video record.

7 MR. ROSENBLATT:
 8 Richard Rosenblatt of Morgan
 9 Lewis and Bockius on behalf of
 10 Defendant Amazon. Also appearing
 11 today is Christopher Murphy and
 12 Samantha Ojo, O-J-O, of Morgan
 13 Lewis as well as Corporate
 14 Counsel from Amazon, Sara Kalis.

15 MR. MEADOWS: This is
 16 Max Meadows from Quinn Emanuel on
 17 behalf of the Witness,
 18 Christian Smalls, accompanied by
 19 Samuel Donohue from Quinn
 20 Emanuel.

21 MS. COX: Evamaria Cox with
 22 the National Labor Relations
 23 Board on behalf of Petitioner,
 24 Kathy Drew-King. Participating

1 by phone is Nancy Reibstein on
 2 behalf of the National Labor
 3 Relations Board.

4 MR. KEARL: Frank Kearn,
 5 Make the Road New York. I
 6 represent charging party in the
 7 underlying matter.

8 THE VIDEOGRAPHER: Thank
 9 you. Madame Court Reporter
 10 Lananna, will you please swear in
 11 the Witness at this time, after
 12 which we may proceed. The time
 13 on the video monitor, 10:19 A.M.

14 C H R I S T I A N D . S M A L L S ,
 15 the Witness herein, having been first
 16 duly sworn by a Notary Public of the
 17 State of New York, was examined and
 18 testified as follows:

19 THE COURT REPORTER: State
 20 your name for the record, please.

21 THE WITNESS: Christian D.
 22 Smalls.

23 THE COURT REPORTER: State
 24 your address for the record,

1 please.

2 THE WITNESS: 135 Seymour
 3 Avenue, Newark, New Jersey 07108.

4 EXAMINATION

5 BY MR. ROSENBLATT:

6 Q. Good morning again, Mr. Smalls.
 7 As I mentioned a moment ago when we
 8 first met, my name is
 9 Richard Rosenblatt of Morgan Lewis and
 10 Bockius, and I really appreciate you
 11 taking time out of what I know is a
 12 very busy schedule to appear today for
 13 your deposition, okay?

14 A. Okay.

15 Q. Have you ever given a deposition
 16 before?

17 A. No.

18 Q. So what I'm -- I'm going to go
 19 through some of what I'll call,
 20 "testimonial tips," or, "ground rules,"
 21 whatever you want to call them, to help
 22 our day go as smoothly as possible,
 23 okay?

24 A. Sure.

1 C. SMALLS

2 Q. One of them is -- and you're
 3 already pretty good at it -- is that
 4 you need to speak your answers. You
 5 can use, you know, body language, hand
 6 gestures, except for one I would be
 7 offended by. Other than that, you
 8 can -- you can speak as you normally
 9 would, you can use hand gestures as you
 10 normally would, but it's very important
 11 for our court reporter that you
 12 actually speak your answers; you
 13 understand that?

14 A. Yes.

15 Q. Okay. It's also very difficult
 16 for the court reporter to take down
 17 um's and things like that, so what I'd
 18 ask for you to do is, you know, if the
 19 answer is yes or no, articulate that
 20 clearly, okay?

21 A. Yes.

22 Q. If you have something more to
 23 say as well, obviously continue to talk
 24 as you need, okay?

25 A. Absolutely.

1 C. SMALLS
 2 A. Yes.
 3 Q. Thank you. I'm not sure that I
 4 got an answer -- and if I did, I
 5 apologize -- but why was the section of
 6 the website that identified officers --
 7 why was that deleted in the last week?
 8 MR. MEADOWS: Objection.
 9 Scope.
 10 A. We're making some changes.
 11 We're in the process of making some
 12 changes.
 13 Q. Have the changes been made yet?
 14 A. No.
 15 Q. Are you still the President?
 16 The --
 17 A. Interim President.
 18 Q. -- Interim President?
 19 A. Yes.
 20 Q. Is Mr. Palmer still Interim Vice
 21 President?
 22 MR. MEADOWS: Objection.
 23 Form. Scope.
 24 A. We're making some changes.
 25 Q. As of today, is he still the

1 C. SMALLS
 2 Interim Vice President?
 3 A. We're in the process of making
 4 some changes.
 5 Q. As of today, is Madeline Wesley
 6 still the Treasurer?
 7 MR. MEADOWS: Objection.
 8 Scope.
 9 A. No. We're still making some
 10 changes.
 11 Q. As of today, is Karen Ponce the
 12 Secretary?
 13 MR. MEADOWS: Objection.
 14 Scope.
 15 A. No.
 16 Q. The answer's, "no," you said?
 17 A. No. We're still making some
 18 changes.
 19 Q. And you'd agree with me, would
 20 you not, that Mr. Bryson was not
 21 identified as Sergeant At Arms on your
 22 website, correct?
 23 MR. MEADOWS: Objection.
 24 Form. Foundation.
 25 A. Yes, correct.

1 C. SMALLS
 2 Q. And as of today he's not
 3 identified as Sergeant At Arms on the
 4 website, correct?
 5 A. No.
 6 Q. Was he ever identified on the
 7 website as a, quote, "Security
 8 Officer," close quote?
 9 MR. MEADOWS: Objection.
 10 Form. Foundation.
 11 A. No.
 12 Q. How -- strike that.
 13 Does Mr. Bryson have a title
 14 with the ALU?
 15 MR. MEADOWS: Objection.
 16 Form.
 17 A. Lead Organizer.
 18 Q. Was he ever the Sergeant At
 19 Arms?
 20 MR. MEADOWS: Objection.
 21 Form.
 22 A. Informal.
 23 Q. What does that mean?
 24 A. You know, we didn't have no
 25 election for that title, but informally

1 C. SMALLS
 2 he would call himself that.
 3 Q. "He would call himself that,"
 4 you said?
 5 A. Yeah.
 6 Q. Did you call him Sergeant At
 7 Arms?
 8 MR. MEADOWS: Objection.
 9 Form.
 10 A. Informally.
 11 Q. Is there any written document
 12 that refers to him as Sergeant At Arms?
 13 A. No.
 14 MS. COX: Objection. Beyond
 15 the scope.
 16 Q. Is there any written document
 17 that refers to him as a Security
 18 Officer?
 19 A. No.
 20 MR. MEADOWS: Objection.
 21 Form. Scope.
 22 Q. Now, as of last week the ALU's
 23 constitution and by-laws were up on its
 24 website, correct?
 25 MR. MEADOWS: Objection.

1 C. SMALLS
 2 Form. Foundation.
 3 A. Possibly.
 4 Q. Well, did you ever see them
 5 linked onto the website?
 6 A. I never went on the website.
 7 Q. Ever?
 8 MR. MEADOWS: Objection to
 9 form.
 10 A. I have. I didn't go on it last
 11 week though.
 12 Q. Was -- were you aware that prior
 13 to last week the ALU's constitution and
 14 by-laws were posted on the website?
 15 A. Yes.
 16 Q. You were so aware, correct?
 17 A. Yes.
 18 MR. MEADOWS: Objection to
 19 form.
 20 Q. And are you aware now that
 21 those -- the link to that constitution
 22 and by-laws is no longer on the
 23 website?
 24 MR. MEADOWS: Objection to
 25 form.

1 C. SMALLS
 2 A. I'm aware now.
 3 Q. And why was that link taken off
 4 the website?
 5 MR. MEADOWS: Objection.
 6 Scope.
 7 MS. COX: Objection. Scope.
 8 A. We're making some changes.
 9 Q. Were you aware that witnesses
 10 last week were asked questions about
 11 the constitution and by-laws in their
 12 depositions?
 13 MR. MEADOWS: Objection to
 14 form.
 15 A. I was not aware.
 16 Q. Did you participate in any
 17 conversations or other communications
 18 with any of the witnesses who have
 19 testified in this case about their
 20 testimony?
 21 A. No.
 22 MR. MEADOWS: Objection to
 23 form.
 24 Q. Do you agree with me that there
 25 are any number of reasons why an Amazon

1 C. SMALLS
 2 associate might not want to support the
 3 ALU?
 4 MR. MEADOWS: Objection to
 5 form.
 6 A. Rephrase that.
 7 Q. Sure. To your knowledge,
 8 some -- some of the Amazon associates
 9 support the ALU and some don't, right?
 10 A. Yes.
 11 Q. And there could be any number of
 12 reasons why someone doesn't support the
 13 ALU, correct?
 14 MR. MEADOWS: Objection to
 15 form.
 16 A. Yes.
 17 Q. For example, someone might just
 18 feel that they don't need a union,
 19 right?
 20 MR. MEADOWS: Objection to
 21 form.
 22 A. Yes.
 23 Q. They may feel like they don't
 24 want to pay dues, correct?
 25 MS. COX: Objection to form.

1 C. SMALLS
 2 A. Yes.
 3 Q. They may feel that they have
 4 adequate job security such that they
 5 don't need a union, correct?
 6 MR. MEADOWS: Objection to
 7 form.
 8 A. Yes.
 9 Q. An associate might want to get
 10 promoted and they're concerned how
 11 support for the union might make them
 12 look, right?
 13 MR. MEADOWS: Objection to
 14 form.
 15 A. I'm not agreeing with that one.
 16 Q. Sometimes employees just don't
 17 want to get involved, right?
 18 MR. MEADOWS: Objection to
 19 form.
 20 A. Is that a question?
 21 Q. Yeah. That could be a reason
 22 why someone doesn't want to --
 23 A. "Get involved," as far as what?
 24 Q. The union organizing activity.
 25 MR. MEADOWS: Objection to

1 C. SMALLS
 2 form.
 3 A. I might have.
 4 Q. When you say you might have, did
 5 you?
 6 MR. MEADOWS: Objection to
 7 form.
 8 A. If I had to at the time, I would
 9 have. Yes.
 10 Q. Do you know if other people did
 11 as well?
 12 A. If their schedule aligned, yes.
 13 Q. Do you know a process assistant
 14 named Pasqual or otherwise Pat Cioffi,
 15 C-I-O-F-F-I?
 16 MR. MEADOWS: Objection to
 17 form.
 18 A. Do I know him?
 19 Q. Yeah.
 20 A. I know of him, yes. I'm --
 21 Q. In that press conference we
 22 talked about a little bit earlier in
 23 the election, he was one of the
 24 speakers, correct?
 25 A. Yes.

1 C. SMALLS
 2 MR. MEADOWS: Objection to
 3 form.
 4 Q. And do you recall that he stated
 5 at the press conference that he was
 6 able to flip 400 to 500 nos to yeses?
 7 MR. MEADOWS: Objection to
 8 form. Foundation.
 9 Q. Do you remember him saying that?
 10 A. Yeah.
 11 Q. And he said he did it in about
 12 three and a half weeks, right?
 13 A. Yes.
 14 MR. MEADOWS: Objection to
 15 form. Foundation.
 16 Q. Do you know what three and a
 17 half weeks he did it in, roughly?
 18 A. No.
 19 Q. Did -- was he one of the more
 20 effective union organizers?
 21 MR. MEADOWS: Objection to
 22 form. Foundation.
 23 A. I mean, what do you define by,
 24 "effective?"
 25 Q. Well, flipping people to nos to

1 C. SMALLS
 2 yeses.
 3 MR. MEADOWS: Objection to
 4 form.
 5 A. We all did that.
 6 Q. Do you know how many signed
 7 cards you ultimately submitted to get
 8 that second election?
 9 MR. MEADOWS: Objection to
 10 form. Foundation. Scope.
 11 A. I don't remember.
 12 Q. Was it over 2,000?
 13 MR. MEADOWS: Objection to
 14 form.
 15 A. It could have been.
 16 Q. So if one particular person was
 17 able to get 400 to 500 nos to yeses,
 18 that's a pretty significant
 19 development, right?
 20 MR. MEADOWS: Objection to
 21 form.
 22 A. He didn't help sign people up.
 23 Q. But he -- okay, so he got
 24 involved later in the game, right?
 25 MR. MEADOWS: Objection to

1 C. SMALLS
 2 form.
 3 A. Flipping nos to yeses.
 4 Q. Yeah, and that was -- was that
 5 after the second petition for election
 6 was filed?
 7 MR. MEADOWS: Objection to
 8 form.
 9 A. That was after we were set to
 10 have an election.
 11 Q. So that would have been after
 12 December 21st of 2021, correct?
 13 MR. MEADOWS: Objection to
 14 form.
 15 A. Yes.
 16 Q. So between December and --
 17 between December 21, 2021, and the time
 18 of the election, Mr. Cioffi claimed
 19 that he had flipped 400 to 500 nos to
 20 yeses, correct?
 21 MR. MEADOWS: Objection to
 22 form. Foundation.
 23 A. Yes, that's what he claimed.
 24 Q. And do you have any reason to
 25 disagree with what he said?

1 C. SMALLS
 2 him, "are you aware?"
 3 A. No. I am now.
 4 Q. And the ALU is continuing its
 5 efforts to organize at JFK8, correct?
 6 MR. MEADOWS: Objection to
 7 form.
 8 A. Yes. We won the election.
 9 Q. Right, and your goal is to get a
 10 contract, right?
 11 MR. MEADOWS: Objection to
 12 form.
 13 A. Yes.
 14 Q. And one of the things that you
 15 think might help you get a contract is
 16 political support, correct?
 17 MR. MEADOWS: Objection to
 18 form. Scope.
 19 A. No, not sure what will help.
 20 We're still organizing.
 21 Q. You'll -- you'll do whatever it
 22 takes to get that first contract,
 23 right? Whatever, legally, you can do
 24 to get that first contract, right?
 25 MR. MEADOWS: Objection to

1 C. SMALLS
 2 form. Scope.
 3 A. Yes.
 4 MR. ROSENBLATT: Now -- mark
 5 this as Exhibit 10. Smalls 10.
 6 (Whereupon, Social Media Post
 7 was marked as Smalls Exhibit 10 for
 8 identification as of this date.)
 9 Q. Mr. Small, again, showing you
 10 another tweet from what appears to be
 11 from your Twitter account; is that
 12 correct?
 13 A. Yes.
 14 Q. We've marked as Smalls 10
 15 appears to be a tweet from the
 16 @Shut_downAmazon Twitter handle, May 5,
 17 2022, at 3:24 P.M.; do you see that?
 18 A. Yes.
 19 Q. And you -- you stated,
 20 "Just met the President lol he
 21 said I got him in trouble."
 22 And there's a -- I guess that's
 23 a devil emoji. I'm not sure what it
 24 is.
 25 A. Yes.

1 C. SMALLS
 2 Q. And then it says,
 3 "Gooooooooood,"
 4 A lot of Os before the D. Can't
 5 count them all. That is a tweet that
 6 you sent out, right?
 7 A. Yes.
 8 MR. MEADOWS: Objection to
 9 form.
 10 Q. And you had the -- this is a
 11 reference to the privilege or the honor
 12 that you had to meet President Biden in
 13 the Oval Office recently?
 14 MR. MEADOWS: Objection to
 15 form.
 16 A. Yes.
 17 Q. And you said he told you you had
 18 gotten him in trouble. Did he say how
 19 you got him in trouble?
 20 MS. COX: Objection. Scope.
 21 MR. MEADOWS: Scope.
 22 MR. KEARL: I'm going to
 23 instruct you not to answer. This
 24 is not related to the just and
 25 proper inquiry.

1 C. SMALLS
 2 MS. COX: And I join in the
 3 objection.
 4 MR. ROSENBLATT: It
 5 absolutely -- the NLRB, in its
 6 effort to establish just and
 7 proper, said that the ALU could
 8 use support, including the
 9 reinstatement of Mr. Bryson, to
 10 further obtaining the first
 11 contract. We're entitled to
 12 explore the -- the things that
 13 the ALU is doing in order to get
 14 support for a first contract, and
 15 I will tell you that we're almost
 16 done, so I don't have much in
 17 this line of questioning, so I'd
 18 ask that Mr. Small answer the
 19 question of did he tell you how
 20 you got him in trouble?
 21 MR. KEARL: I'm going to
 22 instruct him to answer yes or no.
 23 A. Yes.
 24 Q. What did he tell you?
 25 MR. KEARL: I'm going to

1 C. SMALLS
 2 instruct him not to answer,
 3 because it is completely
 4 irrelevant to the just and proper
 5 inquiry.
 6 MR. ROSENBLATT: At least
 7 you're not asserting executive
 8 privilege.
 9 Q. But did he tell you that you got
 10 him in trouble when he said, "Amazon,
 11 we're coming to get you," or something
 12 to those -- to that effect?
 13 MR. KEARL: Objection.
 14 Form. Objection. Scope. I'm
 15 going to instruct my client to
 16 answer yes or no.
 17 MS. COX: And I join in the
 18 objection.
 19 A. Yes.
 20 Q. Did he tell you -- sorry. Hard
 21 for me to imagine how the leader of the
 22 free world could get in trouble, but
 23 did he tell you with whom he got in
 24 trouble?
 25 A. No.

1 C. SMALLS
 2 MR. MEADOWS: Objection.
 3 Form. Scope.
 4 Q. On that day did you also meet
 5 with Vice President Kamala Harris?
 6 MR. KEARL: Objection.
 7 Form. Objection. Scope.
 8 A. Yes.
 9 Q. Did you also meet with Secretary
 10 of Labor Marty Walsh?
 11 MR. MEADOWS: Objection to
 12 form and scope.
 13 A. Yes.
 14 Q. And you also met with Senator
 15 Sanders, and you testified in front of
 16 Senator Sanders that same day?
 17 MR. MEADOWS: Objection to
 18 form.
 19 A. Yes.
 20 Q. Did -- I'm sorry. Did
 21 President Biden suggest you had gotten
 22 him in trouble for any other reason
 23 other than his quote, "Amazon, we're
 24 coming after you," or something like
 25 that?

1 C. SMALLS
 2 MR. KEARL: Objection.
 3 Form. Objection. Scope. I'm
 4 going to instruct the Witness to
 5 answer yes or no.
 6 A. No.
 7 Q. At that meeting was there any --
 8 any representative of the business
 9 community present at the Oval Office?
 10 MR. MEADOWS: Objection to
 11 form, foundation, scope. You can
 12 answer that yes or no, to the
 13 extent you know.
 14 A. No.
 15 Q. So the answer was, "no?"
 16 MR. ROSENBLATT: Mark that
 17 as Smalls 11.
 18 (Whereupon, New York Times
 19 Podcast Transcript was marked as
 20 Smalls Exhibit 11 for
 21 identification as of this date.)
 22 Q. Mr. Smalls, we're showing you --
 23 strike that.
 24 Do you recall doing a podcast as
 25 part of the New York Times The Daily?

1 C. SMALLS
 2 A. Yes.
 3 Q. And that was with the New York
 4 Times podcaster Michael Barbaro?
 5 MR. MEADOWS: Objection to
 6 form.
 7 Q. Do you recall that?
 8 A. Yes.
 9 Q. And also on the podcast were
 10 Jodi Kantor, K-A-N-T-O-R, and Karen --
 11 I believe it's pronounced Weise,
 12 W-E-I-S-E, of the New York Times?
 13 MR. MEADOWS: Objection to
 14 form.
 15 Q. Do you remember that?
 16 A. Yes.
 17 Q. And also Mr. Palmer was present
 18 during the podcast, right?
 19 A. Yes.
 20 Q. I have the podcast, but what I
 21 have here is a transcription from the
 22 New York Times, the podcast.
 23 MR. MEADOWS: Objection to
 24 form.
 25 MR. ROSENBLATT: It wasn't a

1
2
- - - - -
ERRATA

PAGE LINE CHANGE

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ACKNOWLEDGEMENT STATE OF NEW YORK)

:SS
COUNTY OF _____)
I, CHRISTIAN D. SMALLS, hereby certify
that I have read the transcript of my
testimony taken under oath on May 25,
2022, that the transcript is a true,
complete and correct record of what was
asked, answered and said during my
testimony under oath, and that the
answers on the record as given by me are
true and correct, except for the
corrections or changes in form or
substance, if any, noted in the attached
Errata Sheet.

CHRISTIAN D. SMALLS
Signed and subscribed to
before me, this ____ day
of _____, 20____

Notary Public

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CERTIFICATE

I, CYNTHIA C. LANANNA, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify:

That the Witness(es) whose testimony is hereinbefore set forth was duly sworn by me, and the foregoing transcript is a true record of the testimony given by such Witness(es).

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Cynthia C. Lananna, a
Court Reporter and Notary

Date: June 7, 2022